

01-16-08

3621



PATENT  
Attorney Docket No. 108.0010-00000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 9189
Kevin P. Headings et al.	)	
Serial No.: 09/922,651	)	Group Art Unit: 3621
Filed: August 7, 2001	)	Examiner: Calvin L. Hewitt II
For: SYSTEMS AND METHODS FOR	)	
DELIVERING MEDIA CONTENT	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL**

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Date of Deposit: January 15, 2008

I hereby certify that:

1. Information Disclosure Statement Under 37 C.F.R. § 1.97(c);
2. \$180.00 IDS fee to be charged to Deposit Account No. 50-1068;
3. 3 foreign patent documents;
4. 38 non-patent literature references; and
5. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

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Date: January 15, 2008

  
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Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Applicant's U.S. Patent No. 6,925,469 (hereinafter, "the '469 patent") is the subject of litigation in the U.S. District Court for the Eastern District of Texas Marshall Division; Civil Action No. 2-06CV-549 TJW, hereinafter referred to as Litigation 1.

In Litigation 1, the defendants have asserted that various references were pertinent to the issue of validity of the '469 patent under 35 U.S.C. §§ 102 and 103. The references identified by the defendants in Litigation 1 as being allegedly pertinent to the '469 patent are identified by the designation "Lit. 1" in the Examiner Initial column of attached Form PTO/SB/08.

The '469 patent is also the subject of an *Inter Partes* Reexamination proceeding No. 95/000,313 filed October 31, 2007. The references identified by the defendants in the Reexamination proceeding as being allegedly pertinent to the '469 patent are

identified by the designation "Reexam" in the Examiner Initial column of attached Form Form PTO/SB/08.

Copies of the listed non-U.S. patent documents are enclosed herewith.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 15, 2008

By:   
Amedeo F. Ferraro  
Registration No. 37,129

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